

Case 3:14-mj-00005-CMK Document 1 Filed 03/11/14 Page 1 of 1

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Eastern District of California

United States of America
v.
RANDY DALE WILHOITE JR.

Case No.
3:14-mj -0005 CMK

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 10, 2014 in the county of Tehama, and elsewhere in the
Eastern District of California, the defendant(s) violated:

Code Section
18 U.S.C. § 2423(a)

Offense Description
Transportation with Intent to Engage in Criminal Sexual Activity

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT OF FBI SPECIAL AGENT PETER A. JACKSON

☒ Continued on the attached sheet.


Complainant's signature

FBI Special Agent Peter A. Jackson
Printed name and title

Sworn to before me and signed in my presence.

Date: 03/11/2014

City and state: Redding, CA


Judge's signature Telephonic

United States Magistrate Judge Craig M. Kellison
Printed name and title

Affidavit of Special Agent Peter A. Jackson

I, Peter A. Jackson, being duly sworn, hereby depose and state:

Purpose

1. This Affidavit is made in support of an arrest warrant for **RANDY DALE WILHOITE JR.** for:
 - a. **COUNT 1: Transportation with Intent to Engage in Criminal Sexual Activity (18 U.S.C. § 2423(a))**
2. The FBI was asked to assist the Red Bluff Police Department in an investigation of the disappearance of M.H., a 13-year-old girl who reportedly left her house consensually with an adult man later identified as 21-year-old Randy Dale Wilhoite Jr. As discussed more fully within, investigation thus far has demonstrated that there is probable cause to believe that Randy Dale Wilhoite Jr did travel interstate with said minor with the intent to engage in criminal sexual activity, to wit: statutory rape.
 - a. Under 18 U.S.C. § 2423(a), “A person who knowingly transports an individual who has not attained the age of 18 years in interstate or foreign commerce, or in any commonwealth, territory or possession of the United States, with intent that the individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, shall be fined under this title and imprisoned not less than 10 years or for life.”
 - b. Under California Penal Code 261.5(d), “Any person 21 years of age or older who engages in an act of unlawful sexual intercourse with a minor who is under 16 years of age is guilty of either a misdemeanor or a felony.”
 - c. Under Tennessee Code § 39-13-506(b), “Statutory rape is the unlawful sexual penetration of a victim by the defendant or of the defendant by the victim when: (1) The victim is at least thirteen (13) but less than fifteen (15) years of age and the defendant is at least four (4) years but less than ten (10) years older than the victim.”

Agent Background

3. I am a Special Agent with the Federal Bureau of Investigation (“FBI”) and have been so employed since August 2008. I am presently assigned as a Resident Agent of the

Redding Resident Agency in Redding, California, which is in Shasta County and the Eastern District of California. I have held this position since August 2008. I am presently assigned to the Sacramento Division, Redding Resident Agency of the FBI in Redding, California, which is in Shasta County and the Eastern District of California. As a part of my official duties, I investigate criminal violations of federal law, including cases of kidnapping in violation of Title 18, United States Code, Section 1201 and sex trafficking in violation of Title 18, United States Code, Section 2423. I received training and graduated from the FBI New Agent Training Program in Quantico, Virginia. Prior to employment with the FBI, I was a Security Forces Officer in the US Air Force, a military law enforcement position, for seven years.

4. The facts in this Affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This Affidavit is intended to show that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

Statement of Probable Cause

5. On March 9, 2014, minor victim M.H. was reported missing from her home in Red Bluff, California. Red Bluff Police Officers and Detective Scott Curtis responded and started to investigate M.H.'s whereabouts. Interviews with M.H.'s friends determined that M.H. was in contact with a man named "Randy" from Tennessee. An excerpt of a chat from Kik Messenger, which is an instant message/chat application, between M.H. and Randy helped determine that "Randy" was Randy Wilhoite, residing at 2250 Roberts Ridge Road, Manchester, TN. Wilhoite was more fully identified with online database checks, TN Department of Motor Vehicle queries, and other investigative leads.
6. Wilhoite listed his telephone number as 931-434-3320 with the registrar's office at Tennessee Tech University, the school Wilhoite is presently attending. This telephone number is serviced by Verizon. Red Bluff Police contacted Verizon on March 10, 2014, and requested location information and historical call data for this number for the period March 8-10, 2014, through an exigent circumstances emergency request.
7. On March 10, 2014, Verizon responded to Red Bluff Police's request and provided the subscriber information for 931-434-3320 as Linda Barger, 2250 Roberts Ridge Road, Manchester, TN, which is the same address as Wilhoite. The historical call data for this number showed it appeared to be traveling west on March 8, 2014. It was in Wyoming on March 8, 2014, but had no calls from March 8, 2014 at 9:31 a.m. until March 9, 2014 at 2:05 p.m. On March 9, 2014, the phone was located again in Wyoming headed

eastward. On March 10, 2014, at approximately 7:00 p.m., the phone was located in Illinois.

8. On March 10, 2014, Wilhoite became aware that police were actively looking for him. Wilhoite's grandmother contacted Wilhoite. Wilhoite told his grandmother that he had M.H. and would turn himself in when he arrived in Manchester. On March 10, 2014, law enforcement located Wilhoite in Massac County, Illinois about one mile from the border of Kentucky. M.H. was a passenger in Wilhoite's vehicle. Illinois State Police took Wilhoite into custody.
9. M.H. was briefly interviewed. M.H. denied any sexual relationship with Wilhoite, but said that Wilhoite knew her age and knew the risks of taking her from CA to TN. Wilhoite told M.H. that if they were caught he would go to jail, but it was worth the risk. M. H. and Wilhoite planned to tell people in TN that she was 18. M.H. said she told Wilhoite she wanted to kill herself. Wilhoite told her not to kill herself because he cared about her and loved her as a friend. M.H. said she told Wilhoite she would commit suicide if he did not come pick her up.
10. On March 10, 2014, Wilhoite declined to talk to law enforcement without an attorney when they attempted to interview him. On March 11, 2014, Wilhoite told staff at the jail he now wanted to be interviewed without an attorney. Illinois State Police Sergeant Chad Brown was notified, made contact with Wilhoite, verified that no one had coerced him into requesting the interview, advised him of his Miranda rights, and then interviewed Wilhoite. Wilhoite admitted to meeting M.H. through the Kik Messenger application, going to California, picking up M.H., and transporting her in his vehicle. Wilhoite had saved his money and planned the trip for two weeks. Wilhoite knew what he did was against the law. Wilhoite told Sergeant Brown he sent M.H. a photo of his erect penis and received topless photos of M.H. Wilhoite said he initially thought M.H. was 16, but admitted that about a week and a half ago she told him her true age. Wilhoite admitted to kissing M.H. and holding her hand, but denied they had sex. Wilhoite planned to have M.H. live with him in his apartment in TN.

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Conclusion

11. Based upon the above facts, I believe that there is probable cause that **RANDY DALE WILHOITE JR.** committed the following federal felony offense:

a. **COUNT 1: Transportation with Intent to Engage in Criminal Sexual Activity (18 U.S.C. § 2423(a))**

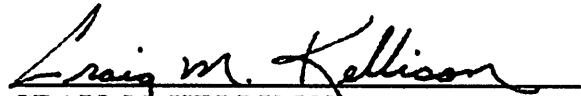
I swear, under the penalty of perjury, that the foregoing information is true and correct to the best of my knowledge, information, and belief.

/s/ Peter A. Jackson

PETER A. JACKSON
FBI Special Agent

Sworn and Subscribed to me on March 11, 2014,

Dated: March 11, 2014


CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE

Approved as to form:

/s/ Justin L. Lee
JUSTIN L. LEE
Assistant United States Attorney

UNITED STATES DISTRICT COURT

for the
Eastern District of CaliforniaUnited States of America
v.
RANDY DALE WILHOITE JR.

Case No. 3:14-mj-0005 CMK

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) RANDY DALE WILHOITE JR.,
who is accused of an offense or violation based on the following document filed with the court:

☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☒ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

COUNT 1: Transportation with Intent to Engage in Criminal Sexual Activity (18 U.S.C. § 2423(a))

as further described in the attached Affidavit of FBI Special Agent Peter A. Jackson.

Date: 03/11/2014
Issuing officer's signatureCity and state: Redding, California

United States Magistrate Judge Craig M. Kellison

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature_____
Printed name and title